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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,690	01/31/2000	Steven Antosz	C99-879/US/I	3800

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Mark P. Calcaterra
DaimlerChrysler Intellectual Capital Corporation
CIMS 483-02-19
800 Chrysler Drive
Auburn Hills, MI 48326-2757

EXAMINER

RILEY JR., REGINALD N

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 06/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No.	Applicant(s)
	09/494,690	ANTOSZ, STEVEN
Examiner	Art Unit	
Reginald N. Riley Jr.	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 January 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 January 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to an apparatus for analyzing a supply chain, classified in class 345, subclass 764.
- II. Claims 13-19, drawn to a method for mapping, classified in class 705, subclass 7.

Inventions II and I are related as process and apparatus for its practice, respectively. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the method of mapping of Group II as claimed can be practiced by another and materially different apparatus such as one not having a template for supplying a workspace, a stencil for storing icons associated with one of the manufacturing areas, to select a stencil from a subset of stencils, nor to select a perspective template from a subset of templates.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Ralph E. Smith on May 31, 2002 a provisional election was made with traverse to prosecute the invention of supply chain analysis apparatus, claims 1-12. Affirmation of this election must be made by applicant in replying to this Office action. Claims 13-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

1. Figs. 3, 4, 5, 6, and 8 are objected to because they fail to show descriptive details. For each “block” in each chart, there needs to be a descriptive label. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “70” has been used to designate both supply chain and customers. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: template 180, icons 12, and bottlenecks 120. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

All drawing corrections must be done with red ink.

Specification

4. The disclosure is objected to because of the following informalities:
 - a. Page 8, Line 10 states, "... supply chain map 51." There is no reference to character "51" in any of the drawings.
 - b. Page 9, Lines 3-4 state, "... second tier supply 52." According to Fig. 3 and Page 8, Line 8, this should state, "... first tier supply 52."
- Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney et al. (U.S. Patent No. 6,121,965) in view of Bhaskaran et al. (U.S Patent No. 6,157,915). Kenney discloses a graphics, drawing package, which utilizes tools and predefined icons that a user can graphically manipulate to generate, modify, or analyze a work product in a work space area (see Abstract). The application tool menu, or stencil, is separate from the workspace area, and the icons and commands presented are different depending on the current operating mode, or selected template (see Abstract, Fig. 2, and Fig. 4). Additionally, icons can be selected from the stencil and moved and connected to create a custom template (see Figs. 6B; Col. 2, Lines 25-28; and Col. 6, Lines 10-13). However, Kenney fails to relate this drawing package to the area of manufacturing and

supply chain diagramming. Bhaskaran discloses an apparatus for managing and evaluating supply chains of a manufacturing operation based on predefined data (see Claim 1 and Abstract). This manufacturing operation comprises a plurality of manufacturing areas including suppliers, assemblers and distributors, which are analyzed and coordinated (see Col. 1, Lines 40-50). Other manufacturing areas disclosed include: scenario planning, demand, capacity, production, process flow, material, global markets, environmental factors, and logistics information (see Figs. 1, 3; Col. 1, Lines 40-65). Therefore it would have been obvious, to one of ordinary skill in the art of diagramming and analyzing supply chains, to combine the apparatus for managing supply chain system as disclosed by Bhaskaran, with the graphics, drawing package as disclosed by Kenney in order to obtain predefined icons now representing different factors of a supply chain and each stencil, containing a subset of these icons, now representing individual manufacturing areas. Templates for these manufacturing areas, with corresponding stencils can also be created. One would have been motivated to combine these systems so that the factors affecting a supply chain (i.e. bottlenecks, suppliers, assembly points, etc...) can easily be identified within the supply chain diagram. Furthermore, being able to easily identify these factors, and where they occur, would be greatly appreciated by anyone of ordinary skill in the art.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

References C-D of form PTO-892 also teach the same ideas disclosed by this invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald Riley Jr. whose telephone number is (703) 305-4894. The examiner can normally be reached on M-F 8:00-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

R.R.

May 31, 2002



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100